

MINUTES
CHARLOTTE COUNTY BOARD OF ZONING APPEALS
Wednesday, October 14, 2009 – 9 a.m. – Room 119
Charlotte County Administration Center
18500 Murdock Circle
Port Charlotte, FL 33948-1094

(These minutes are not official until they have been approved by the Charlotte County Board of Zoning Appeals)

Members Present

Tom Thornberry, *Chairman*
Audrey Seay, *Vice-Chair*
Ed Hittson, *Secretary*
Bob Stout
Bill Truex

Staff Present

Derek Rooney, *Assistant County Attorney*
Nicole C. E. Dozier, *Zoning Official*
Ken Quillen, *AICP, Planner III*
Diane Clim, *Recorder*

I. Call to Order

Chairman Thornberry called the October 14, 2009 meeting of the Board of Zoning Appeals to order at 9:00 a.m.

II. Pledge of Allegiance

Chairman Thornberry led the members and the audience in reciting the Pledge of Allegiance.

III. Roll Call

Roll call was taken; a quorum was present.

IV. Swearing In of Those Giving Testimony

Diane Clim swore in all persons who wished to provide testimony.

V. Approval of Minutes

ACTION: *A motion was presented by Audrey Seay and seconded by Bill Truex to approve the minutes of the September 9, 2009 meeting of the Board of Zoning Appeals, as written, with a unanimous vote.*

VI. Disclosure Statements

Ex-parte forms indicating site visits concerning the petitions being presented before the October 14, 2009 Board of Zoning Appeals meeting were submitted.

VII. Introduction of Staff/Comments

Chairman Thornberry introduced staff. *Nicole Dozier, Zoning Official, Attorney Richard Brown, and Chair Thornberry* made introductory remarks regarding the types of requests that the Board of Zoning Appeals would be reviewing and the standards which must be met, the notification process and how the Board of Zoning Appeals makes its decision.

VIII. New Business

The following petitions were advertised on September 29, 2009: VAR-09-13 and SE-88-140(M1)

Petition #VAR-09-13(continued at the request of the applicant until December 9, 2009)

John and Barbara Reddin are requesting a variance to reduce the rear yard setback along a canal by 11.2' from 20' to 8.8' for a single-family residence located in the Mobile Home Conventional (MHC) zoning district. The subject property is addressed as 4180 Nettle Road, El Jobean, Florida and is described as Lot 694 and part of Lots 538 and 539, Ward 1, El Jobean Subdivision, located in Section 28, Township 40 South, Range 21 East. The property contains 8,000 +/- square feet. A complete legal description and additional information are on file.

Petition #SE-88-140 (M1)

Pilgrim United Church of Christ is requesting a modification of a previously-approved special exception to allow the addition of a child care facility to the existing house of worship in an Agriculture Estate (AE) zoning district. The property address is 24515 Rampart Boulevard, Port Charlotte, Florida and is described as Parcel P1-6, in Section 18, Township 40 South, Range 23 East. The property contains 9.65 +/- acres. A complete legal description and additional information are on file.

Applicant Presentation

Eric Decker, Agent for the Applicant, said he was sworn in. He said they are applying for a special exception for a child care facility extended upon the current existing structure and sanctuary fellowship hall on the south end of the property. They are asking for an interim for the child care facility until the elementary school is up and running.

Mr. Thornberry asked if the existing fellowship hall is going to be part of the school?

Mr. Decker replied their goal is to move the fellowship hall away from what it is now, which is a hybrid of a hall for the church uses and a child care facility. They would like to separate the two. Last week there was a spaghetti dinner at the hall and this conflicts with the child care facility. The goal is to have a separate child care facility and a separate fellowship hall.

Mr. Thornberry asked about Exhibit 3, colored yellow and identified by staff. Is this the hall?

Mr. Quillen said that is the existing way they use the fellowship hall now.

Mr. Thornberry asked then they are using the fellowship hall as a child care facility?

Mr. Decker replied yes.

Mrs. Seay asked how far back the property goes?

Mr. Quillen changed the monitor graphic to the aerial showing the site. They discussed the area where the building is, where the playground is, and any neighbors close to the site.

Chairman Thornberry opened the meeting to Public Hearing.

Public Input

No one spoke for or against this request.

There being no further requests to speak for or against the petition, Mrs. Seay moved to close the public hearing, seconded by Mr. Stout. The public hearing was closed with a unanimous vote.

Ken Quillen presented the analysis, conclusion and recommended conditions for the petition.

Board Member Comments and Questions

Mrs. Seay said this church has done many great things for the community and they are proud of this congregation.

ACTION: A motion was presented by Audrey Seay and seconded by Bob Stout that Petition SE-88-140 (M1) be APPROVED based on the Growth Management Staff Report dated October 5, 2009, the evidence and testimony presented at the hearing and finding that the applicant HAS MET the required criteria for the granting of the special exception modification with 5 conditions.

Motion was approved with a unanimous vote with the following conditions:

1. The special exception, as approved by the Board of Zoning Appeals, is to allow the addition of a child care facility in addition to the existing church sanctuary, fellowship hall and proposed elementary school and in substantial conformance with the site plans submitted by the applicant for this request.
2. The exterior architectural appearance of the proposed classroom building shall match the existing church buildings located on site.
3. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.
4. The site plan presented by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes are applicable to the construction and operation of the proposed child care facility.

5. Site Plan Review is required prior to issuance of any building permits for the proposed new classroom addition and all off-street parking and landscaping requirements of code must be met for the proposed development.

IX. Public Comments - None

X. Staff Comments

Nicole Dozier said regarding the special exceptions for the contractor's trades within CI – there were some comments made or requests as to how that can be addressed. One thing that may be done, is that if an applicant comes in within a CI zone property, and they wish to establish a contractor's trade business, if they comply with the structure, landscaping and what they are suppose to do, is there a possibility that an approval can be done without appearing before the Board of Zoning Appeals.

Mr. Thornberry asked what is the applicant fee?

Ms. Dozier said \$880.00.

Mr. Thornberry said his only issue is a lot of these are in the new CI area, we all know where it's at, Toledo Blade. The County extended water and sewer which was the right thing to do. We have existing buildings in there in the industrial area and I hope the County goes after those that are not playing by the rules in there. He said I do not think it needs to come before us, but there are some violators out there and Code Enforcement should go out there and see. He would support what she is suggesting.

Ms. Dozier said this is just for discussion. We are redrafting the land development regulations so we can make that adjustment at that time.

Mrs. Seay asked if this would affect the fee?

Ms. Dozier said they would not have to pay the fee, because it would just go through the standard Site Plan Review.

There was some discussion about construction yards, with no facilities and outdoor storage lots.

Ken Quillen said the next meeting is Thursday, November 12, 2009. Wednesday, November 11, 2009 is a holiday.

XI. Member Comments - None

XII. Next Meeting

*The next meeting of the Board of Zoning Appeals is scheduled for **Thursday, November 12, 2009, at 9:00 a.m., in Room 119.***

There being no further business, the meeting **ADJOURNED** at 9:40 a.m.

Respectfully submitted,

Diane Clim, Recorder

/dlc

A handwritten signature in blue ink, appearing to read "Tom Thornberry", is written over a horizontal line.

Tom Thornberry, Chairman/Board of Zoning Appeals

Approval Date: 12-2-09